

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Tekstar Communications, Inc.,

Plaintiff,

v.

Civil No. 08-1130 (JNE/RLE)
ORDER

Sprint Communications Company L.P.,

Defendant.

In an Order dated July 15, 2009, the Court stayed this case and, pursuant to the doctrine of primary jurisdiction, directed the parties to make certain filings with the Federal Communications Commission. The case is before the Court on Tekstar's Motion for Bond in Connection with Primary Jurisdiction Referral. Rules 62 and 65 of the Federal Rules of Civil Procedure are inapplicable, and Tekstar fails to identify any authority pursuant to which the Court could grant its motion. *Cf. Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 333 (1999) ("Because such a remedy was historically unavailable from a court of equity, we hold that the District Court had no authority to issue a preliminary injunction preventing petitioners from disposing of their assets pending adjudication of respondents' contract claim for money damages."). Moreover, because Tekstar does not allege that it anticipates that Sprint will have difficulty paying any money judgment ultimately entered against it, Tekstar fails to establish any need for a bond. Therefore, IT IS ORDERED THAT:

1. Tekstar's Motion for Bond in Connection with Primary Jurisdiction Referral [Docket No. 124] is DENIED.

Dated: July 29, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge